

Express Mail Label No.: ED 257681289 US

DECLARATION OF INVENTOR AND WITNESS UNDER 37 C.F.R. §1.131 Address to: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	Application Number	10/627,351
	Confirmation Number	2322
	Filing Date	07/26/2003
	First Named Inventor	MARET, KEVIN
	Examiner	RODRIGUEZ, PAMELA
	Group Art	3683
	Attorney Docket No.	TAME-001

Sir:

This Declaration and the attached Exhibit are submitted in conjunction with Applicant's Amendment in response to the Office Action dated December 22, 2004. Accordingly:

1. I, Kevin Maret, declare and say that I am the sole inventor of the claims of the above-captioned application.
2. I, Kevin Maret, understand that the Office Action dated December 22, 2004 rejects the claims of the above-captioned patent application as unpatentable over the "Kickstart – Locked and Loaded" and "Pro Circuit Launch Control Holeshoot Device – Gearhead Heaven" articles submitted on my behalf.
3. As evidenced in paragraph 4 below, I conceived and reduced to practice the claimed invention prior to February 2002, the earliest effective date of the noted references.
4. The claimed invention was conceived and reduced to practice before February 2002. Evidence of an earlier date of conception and reduction to practice (at least as early as January 18, 2002) is provided by witnessed photographs (of which color photocopies are provided in the attached Exhibit). Photograph 1 shows a hardware setup fundamentally identical to that in Fig. 1A; photograph 2 illustrates components of the invention from Fig. 1A as individually illustrated in Figs. 3A, 3B, 4A, 4B and 6 of the application as filed. The claimed invention elected in the Response to Restriction Requirement and subject to examination (Species A - including claims 1-5, 7, 8, 11-14 and 16-19) read on these photos 1 and 2 (as well as the corresponding patent application figures). The structure and method steps (acts) recited in each of the pending claims are

generic to the features and/or use and environment of the hardware shown in photographs 1 and 2. Claims 5 and 8 are specifically directed to the hardware shown in the photos. Given the level understanding with one having ordinary skill in the art to which this invention pertains, all of claims 1-5, 7, 8, 11-14 and 16-19 are believed to find an adequate basis of support in the photos as well as the corresponding figures in the subject application,.

5. I, Ken Lile, declare that I witnessed the originals of the referenced Exhibits/evidence submitted herewith on January 18, 2002, having a full appreciation of the features and use of the subject invention.
6. We do hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.
- 7.


Respectfully submitted,

Date: 6-22-05

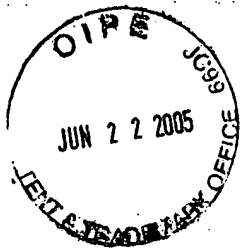


Kevin Maret

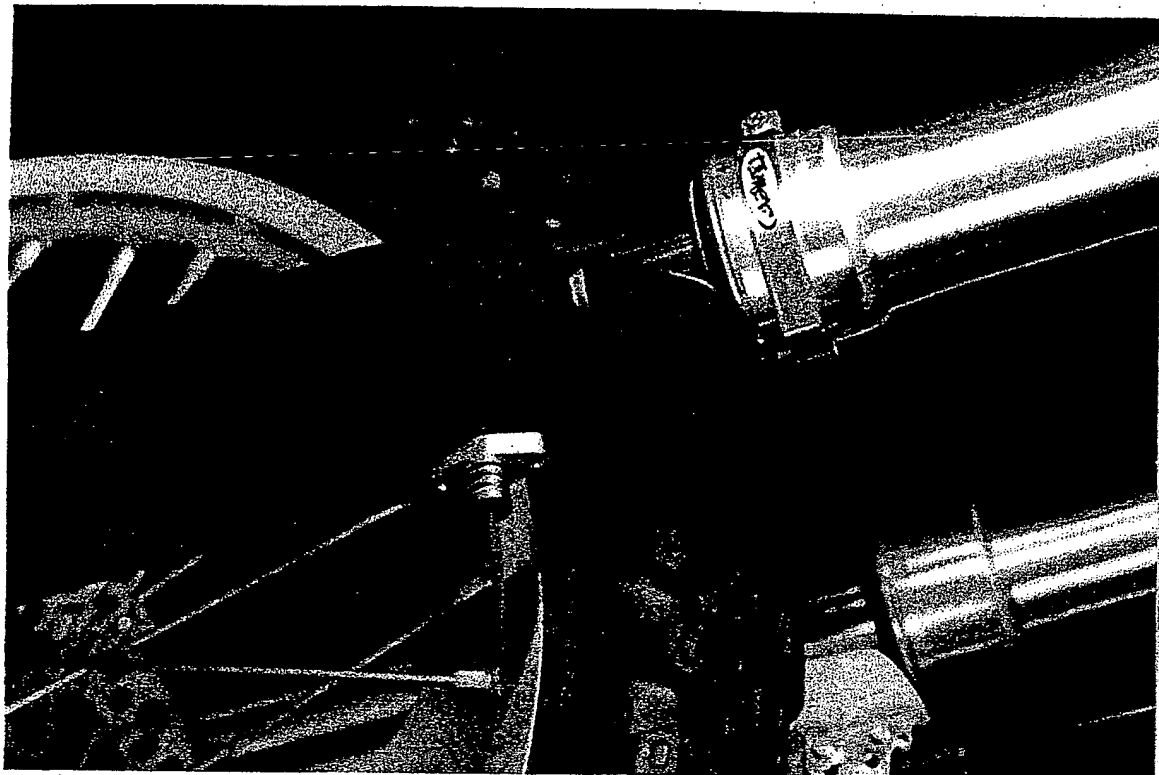
Date: 6-22-05



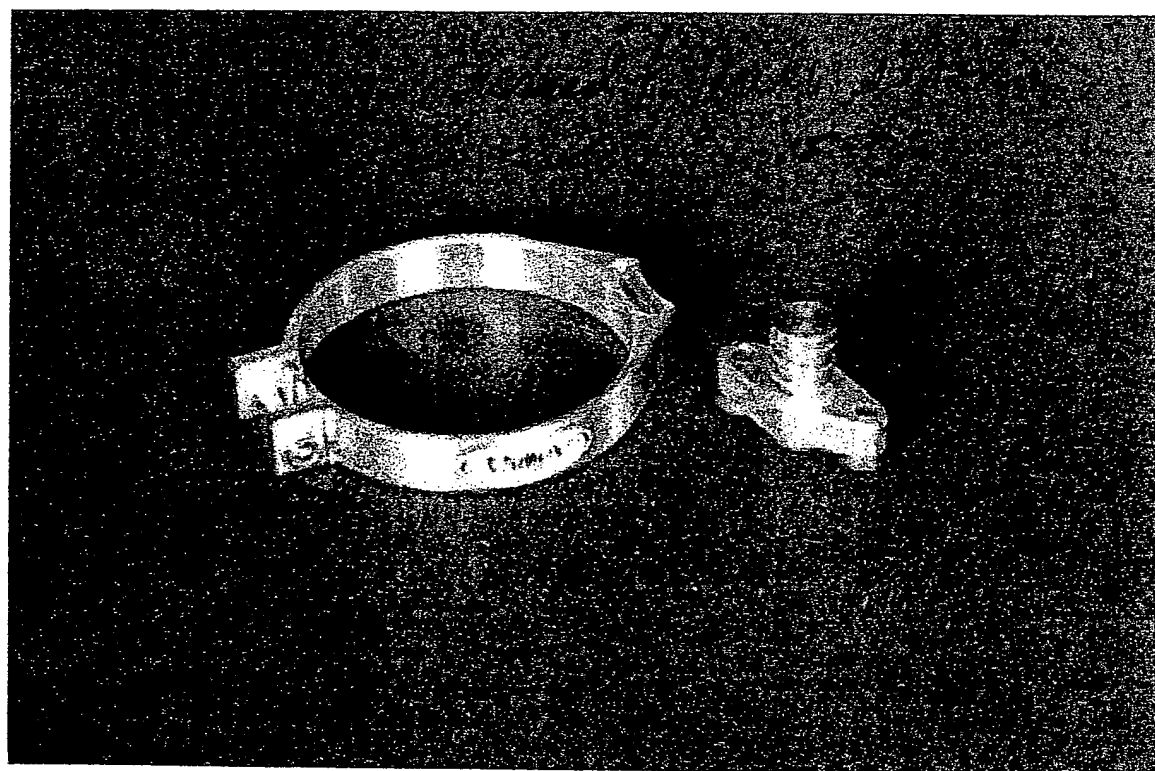
Ken Lile



1



2



Exhibit

This Page Blank (uspto)